

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Lashawn Sharpe, individually and on behalf of all
other similarly situated,

Plaintiff,

-against-

A & W Concentrate Company and Keurig Dr
Pepper Inc.,

Defendants.

Case No.: 1:19-cv-00768 (BMC)

**DECLARATION OF
STEVEN KRAMER**

I, Steven Kramer, declare as follows:

1. I am Senior Technical Director, Flavor Technology at Keurig Dr Pepper Inc., the parent company of A&W Concentrate Company. I have been employed by Keurig Dr Pepper Inc. and its predecessor companies for 25 years. I am responsible for Keurig Dr Pepper Inc.'s Flavor Technology Team, which includes two certified flavor chemists and one certified junior flavorist. I am responsible for the creation of flavors for new products and as a technical expert supporting the Concentrate Commercialization team and the Ingredient team on matters pertaining to flavors, flavor ingredients and flavor concentrates. I also work closely with Keurig Dr Pepper Inc.'s manufacturing plant in St. Louis, Missouri, which is responsible for making the beverage concentrates for A&W Concentrate Company.

2. Throughout my 25-year career at Keurig Dr Pepper Inc. and its predecessor companies, I have been involved with the concentrates for A&W beverages, and am familiar with the formulation of the concentrates for both A&W Root Beer and A&W Cream Soda.

3. A&W Concentrate Company uses two-fold vanilla extract – specifically, 2-Fold Vanilla Extract C28104 – supplied by Firmenich SA, one of the world's largest flavor ingredient

suppliers, in every batch of A&W Root Beer concentrate. Every bottle and can of A&W Root Beer contains that concentrate, along with other ingredients (most notably, carbonated water) added by bottling plants according to a specific formula and verified by quality control testing.

4. Attached hereto as Exhibit A are true and correct copies of product information for 2-Fold Vanilla Extract C28104 provided to Keurig Dr Pepper Inc. by Firmenich SA. The documentation confirms that 2-Fold Vanilla Extract C28104 is natural vanilla extract containing extractives of vanilla beans.

5. A&W Concentrate Company uses Natural Vanilla Flavor WONF, Product Number KM-668-925-6 supplied by Givaudan Flavors Corp., another of the world's largest flavor ingredient suppliers, in every batch of A&W Cream Soda concentrate. (WONF is an industry acronym for "with other natural flavors.") Every bottle and can of A&W Cream Soda contains that concentrate, along with other ingredients (most notably, carbonated water) added by bottling plants according to a specific formula and verified by quality control testing.

6. In response to my inquiry, Givaudan Flavors Corp. provided the Product Information Material Disclosure attached hereto as Exhibit B. The document confirms that Givaudan's Natural Vanilla Flavor WONF, Product Number KM-668-925-6, contains vanilla extract – that is, extracted real vanilla from vanilla beans in an alcohol solution.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 18th day of December, 2019.


Steven Kramer